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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 In re:) Misc. Case No.: 3:15-MC-80010-EDL
14 ZCO LIQUIDATING CORPORATION,)
15 (F/K/A OCZ TECHNOLOGY GROUP,) Magistrate Judge Elizabeth Laporte
INC.) ET AL.)
16 Subpoena Enforcement Matter.) **NOTICE OF PENDENCY OF**
17) **OTHER ACTIONS**
18)
19)
20)
21)

22 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
23 **NORTHERN DISTRICT OF CALIFORNIA:**

24 PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 3-13, third party
25 Wilson, Sonsini Goodrich & Rosati, P.C. (“WSGR”) advises the Court that this
26 miscellaneous action involves all or a material part of the same subject matter, and several
27 of the same parties, as two other actions pending in this District, namely:
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1 (1) *In re OCZ Technology Group, Inc. Shareholder Derivative Litigation*, Lead
2 Case No. C-312-cv-05556-RS (the “Derivative Action”).

3 The trustee of a creditors’ trust has served subpoenas on WSGR and other persons
4 in connection with a Delaware bankruptcy proceeding for the successor to OCZ
5 Technology Group, Inc. (“OCZ”), which was the central party of the above-referenced
6 Derivative Action. Notably, the trustee has stated that a principal purpose of the
7 subpoenas is to challenge the settlement of the Derivative Action. However, on October
8 17, 2013, United States District Judge Richard Seeborg entered a *Final Judgment and*
9 *Dismissal With Prejudice* in the Derivative Action based upon a global settlement that,
10 after notice and a hearing, the Court found to be “fair, reasonable, and adequate” and “in
11 the best interests of OCZ and its shareholders.” WSGR and other parties served with the
12 trustee’s subpoenas are contending in this miscellaneous action that, among other things,
13 the subpoenas are improper because the doctrine of *res judicata* bars the trustee from
14 attempting to overturn the judicially approved settlement of the Derivative Action.

15 Accordingly, WSGR requests that this newly-filed miscellaneous action, which
16 centers on a motion to quash the subpoenas served on WSGR and others, be assigned to
17 Judge Seeborg in the interests of judicial economy and to avoid conflicting findings or
18 rulings.

19 (2) *In re OCZ Technology Group, Inc. Shareholder Derivative Litigation*, Case No.
20 C-312-cv-0265-RS (the “Class Action”).

21 The trustee has also stated that a purpose of the subpoenas is to gather facts to
22 challenge the settlement in the above-referenced Class Action. That action is also before
23 Judge Seeborg and a settlement has been reached, but the settlement has not yet been
24 approved by the Court. WSGR requests that this miscellaneous action be assigned to
25 Judge Seeborg for this reason as well.
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1 Dated: January 20, 2015

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4 By: /s/ Daniel J. Friedman
Daniel J. Friedman
Attorneys for Third Party
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CERTIFICATION RE SIGNATURES

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document.

Dated: January 20, 2015

LOEB & LOEB LLP
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AMANDA J. SHERMAN

By: /s/ Daniel J. Friedman
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